

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY,

Plaintiff,

v.

VESTMONT LIMITED PARTNERSHIP,
VESTMONT LIMITED PARTNERSHIP II,
VESTMONT LIMITED PARTNERSHIP III,
and VESTERRA CORPORATION d/b/a
MONTGOMERY SQUARE PARTNERSHIP,

Defendants.

CIVIL ACTION NO. 05-11614-WGY

YOUNG, D.C. *as modified*
So ordered as the case management
scheduling order.

Discovery due May 12, 2006

Dispositive Motions due June 2, 2006

William A. Young
U.S. District Judge

Nov. 29, 2005

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1(D) and the Court's September 14, 2005 Notice of Scheduling Conference, Plaintiff John Hancock Life Insurance Company and Defendants Vestmont Limited Partnership; Vestmont Limited Partnership II; Vestmont Limited Partnership III; and Vesterra Corporation d/b/a Montgomery Square Partnership hereby submit the following Joint Statement:

1. **Agenda of Matters to be Discussed at the November 14, 2005 Scheduling Conference.**
 - a. Pre-trial schedule and discovery matters;
 - b. Trial by magistrate judge; and
 - c. Report on settlement discussion status.

2. Rule 26(f) Conference.

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(B), a teleconference was held on October 14, 2005. This Joint Statement reports the results of that conference and jointly proposes a discovery plan and pre-trial schedule as set forth below.

3. Rule 26(a)(1) Initial Disclosures.

As required by Fed. R. Civ. P. 26(a)(1) and L.R. 26.2(A), the parties already have exchanged initial disclosures.

4. Limitations on Discovery.

The parties have agreed to the following discovery limitations, subject to modification by leave of court:

- (i) Five (5) depositions per side;
- (ii) Twenty-five (25) interrogatories per side;
- (iii) Thirty (30) requests to admit per side;
- (iv) Two (2) sets of requests for production of documents per side; and
- (v) The deposition of each proposed trial expert.

5. Scheduling.

The parties agree that formal phasing of discovery is not necessary in this litigation. The proposals set forth below are subject to further motion by the parties, either jointly or individually.

Event	Proposed Deadlines
Initial Disclosures	October 28, 2005
Joinder of Other Parties	December 16, 2005
Amendment of Pleadings	December 16, 2005
Completion of Fact Discovery	March 3, 2006

Initial Expert Reports	March 31, 2006
Rebuttal Expert Reports	April 21, 2006
Close of Expert Discovery	May 12, 2006
Filing of Dispositive Motions	June 2, 2006
Response Briefs on Dispositive Motions	June 30, 2006
Reply Briefs on Dispositive Motions	July 14, 2006
Mediation	July 28, 2006
Final Pre-Trial Conference	To be set by Court
Trial	September 2006

6. **Protective Order.**

The parties have negotiated and filed with the Court a proposed form of protective order governing the handling of confidential and proprietary materials produced in discovery.

7. **Trial by Magistrate Judge.**

The parties do not consent to trial by a Magistrate Judge.

8. **Settlement.**

John Hancock has presented a written settlement demand and proposal to all of the Defendants pursuant to Local Rule 16.1(C). The Defendants have responded in writing to that demand and proposal. The parties agree that, at present, a settlement does not appear likely.

9. **Certifications Pursuant to Local Rule 16.1(D)(3).**

- a. John Hancock's certification is attached hereto as Exhibit A; and
- b. The Defendants' certification is attached hereto as Exhibit B.

VESTMONT LIMITED PARTNERSHIP,
VESTMONT LIMITED PARTNERSHIP II,
VESTMONT LIMITED PARTNERSHIP III,
and VESTERRA CORPORATION d/b/a
MONTGOMERY SQUARE PARTNERSHIP

By their attorneys,

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Date: November 7, 2005

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